

REMARKS/ARGUMENTS

Claims 1-14 are allowed and claims 15 and 16 stand rejected in the outstanding Official Action. Claims 15 and 16 have been cancelled without prejudice. Therefore, claims 1-14 remain allowed in this application.

The Examiner's acknowledgment of Applicants' claim for priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's consideration of Applicants' previously filed Information Disclosure Statement and consideration of the references disclosed therein is very much appreciated. Finally, the Examiner's indication of PTO acceptance of the formal drawings filed June 8, 2005 is appreciated.

On the Office Action Summary Sheet, box 9, and on page 2, section 1 of the Official Action, the Examiner suggests that the specification is objected to. The Patent Office objects to the arrangement of the specification. It is appreciated that the Examiner has brought the arrangement of the specification to the applicant's attention. It is noted that the objection to the arrangement appears to be an indication that the originally filed specification and drawings (transmitted from WIPO) do not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

"if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those

which are provided for in this Treaty and the Regulations.” Caterpillar Tractor v. Commissioner, 231 USPQ 590, 591 (EDVA 1986).

The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office (including the Chief Draftsman’s Office) may not require specification format changes as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification was forwarded from WIPO, by definition, it meets the PCT requirements (it is not forwarded until it meets PCT requirements.). Therefore, the objection to the lack of headings in the specification is respectfully traversed and reconsideration thereof is respectfully requested.

In sections 2 and 3 on page 3 of the Official Action, the Examiner considers claims 15 and 16 to be anticipated under 35 USC §102(e) by Foden (U.S. Publication 2002/0097874). Applicants have cancelled claims 15 and 16 without prejudice, thereby obviating any further rejection thereof.

The Examiner’s indication of allowance claims 1-14 in section 4, page 3 of the Official Action is very much appreciated.

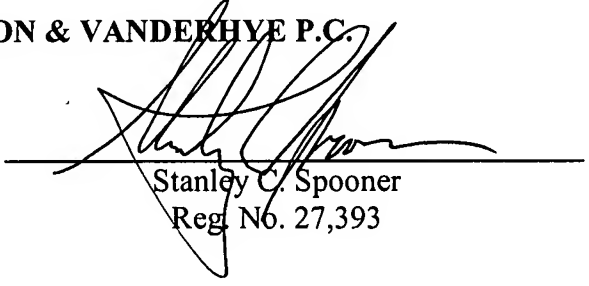
Having responded to all objections and rejections set forth in the outstanding Official Action, claims 1-14 remain allowed and a formal Notice of Allowance is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of these claims, he is respectfully requested to contact Applicants’ undersigned representative.

¹ HARRIS et al.
Appl. No. 10/538,042
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Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____


Stanley C. Spooner
Reg. No. 27,393

SCS:kmm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100